

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:17-CR-34 JCM (NJK)

Plaintiff(s),

ORDER

V.

SHAHRIYAR MOTALEBI,

Defendant(s).

Presently before the court is the United States of America’s (“the government”) motion to amend judgment pursuant to Federal Rule of Criminal Procedure 36 and 18 U.S.C. § 3664. (ECF No. 67). Defendant Shahriyar Motalebi (“defendant”) has not filed a response, and the time to do so has passed.

On February 8, 2019, the court sentenced defendant to 63 months in custody to be followed by a lifetime term of supervised release on his conviction for possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). (ECF No. 66). At sentencing, the court ordered that restitution be imposed in an amount to be determined, upon the government's production of a finalized restitution list.¹

Thereafter, the government “forwarded the restitution list to opposing counsel,” and thereafter responded to inquiries from defendant’s counsel on February 14, 2019. (ECF No. 67 at 2). Thereafter, and having received no further inquiries from defendant’s counsel, the government filed the instant motion to amend judgment on April 24, 2019. (ECF No. 67).

¹ However, based on an apparent clerical mistake, the court also imposed restitution upon defendant in the amount of \$6,000. (ECF No. 66).

1 In its motion, the government requests that the court amend the judgment to reflect
2 \$18,000.00 in restitution based upon the government's finalized restitution list, which has been
3 filed under seal for the court's review. *Id.*; (ECF No. 67-1) (SEALED).

4 Having received no objection from defendant to the government's motion, and having
5 reviewed the government's finalized restitution list, the court hereby grants the motion. LCR 47-
6 3 ("The failure of an opposing party to include points and authorities in response to any motion
7 constitutes a consent to granting the motion.").

8 Accordingly,

9 IT IS ORDERED THAT the government's motion to amend judgment (ECF No. 67) be,
10 and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED THAT the judgment in this case be, and the same hereby
12 is, AMENDED to reflect \$18,000.00 in restitution, pursuant to 18 U.S.C. § 3663.

13 IT IS SO ORDERED.

14 DATED May 10, 2019.

15 
16 UNITED STATES DISTRICT JUDGE